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The situation in the occupied territories of Azerbaijan

Security Council
Sixtieth year

Letter dated 20 May 2005 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the statement by the Milli Mejlis (Parliament) of the Republic of Azerbaijan on the thirteenth anniversary of the occupation of the city of Shusha of the Republic of Azerbaijan by the armed forces of Armenia (see annex).

I should be grateful if the present letter and its annex were urgently distributed as a document of the fifty-ninth session of the General Assembly, under agenda item 163, and of the Security Council.

(*Signed*) Yashar **Aliyev**
Ambassador
Permanent Representative

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Annex to the letter dated 20 May 2005 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

[Original: English and Russian]

Statement by the Milli Mejlis (Parliament) of Azerbaijan on the thirteenth anniversary of the occupation of the city of Shusha, of Azerbaijan, by the armed forces of Armenia

This year, on 8 May, 13 years will have passed since the city of Shusha was occupied by the armed forces of Armenia. The occupation of Shusha was one phase of the military aggression conducted with the aim of tearing the region of Nagorno-Karabakh from Azerbaijan and annexing it to Armenia and driving the indigenous Azerbaijani population out of their homes. With the occupation of Shusha, which historically has always been the capital city of the entire Karabakh region, the Armenian nationalists completed the full ethnic cleansing of this region of Azerbaijan.

Shusha was founded in 1756 on the ancient place of settlement of Azerbaijanis as the capital of the independent Karabakh khanate by its ruler, the outstanding State figure Panahali Khan Javanshir. Since then, the city has played an important role in the social, political, economic and cultural life of Azerbaijan, Shusha, being the cradle of the culture and art of Azerbaijan, bestowed upon the world prominent figures such as the great poet Mollah Panah Vagif; the talented poetess Khurshudbanu Natavan; Abdurrahim bey Hagverdiyev, founder of Azerbaijani realism; Najaf bey Vazirov, playwright and publicist and one of the founders of dramatic art in Azerbaijan; Uzeyir Hajibayov, founder of the first opera in the East and great composer; Bulbul, world famous opera singer; Afrasiyab Badalbayli, founder of the Azerbaijani ballet; and a number of other brilliant figures from among our people.

As a result of the policy of aggression and ethnic cleansing launched by Armenia in 1988 with the purpose of implementing its territorial claims against Azerbaijan, 20 per cent of the territories of the Republic of Azerbaijan, i.e., the Nagorno-Karabakh region with the city of Shusha and seven adjacent districts — Lachin, Kalbajar, Aghdam, Jabrayil, Fuzuli, Qubadly and Zangilan — have been occupied, more than 1 million Azerbaijanis have been expelled from the territory of Armenia and occupied territories of Azerbaijan, leaving more than 18,000 Azerbaijanis killed, over 20,000 civilians injured, over 50,000 people disabled, over 4,000 people taken prisoner, taken hostage and missing and 877 towns, villages and settlements plundered, destroyed and burned.

In the course of aggression the Armenian nationalists committed terrible crimes of genocide against the Azerbaijani population. During the occupation of the Azerbaijani-populated villages of Imarat Garvand, Tugh, Salakatin, Akhullu, Khojavand, Jamilli, Nabilar, Meshali, Hasanabad, Karkijahan, Gaybaly, Malibayli, Yukhari and Ashaghi Gushchular, and Garadaghly in Nagorno-Karabakh, part of the people from these settlements were ruthlessly killed according to the pre-designed plan. In the village of Garadaghly alone, over 80 civilian Azerbaijanis, including children, women and old people, were tortured and killed mercilessly, dozens of people were taken hostage and the village itself was burned and razed to the ground.

On the night of 25 and 26 February 1992, the military forces of the Republic of Armenia and the Armenian terrorist groups in Nagorno-Karabakh, with the support of the 366th motorized regiment of the former Soviet army, the officers of which were mainly composed of Armenian nationals, stormed the Azerbaijani-populated town of Khojaly and committed one of the most horrible acts of genocide in the history of mankind. Without any military necessity, Khojaly was totally burned and destroyed; 613 civilian Azerbaijanis, including 63 children and 106 women, were brutally killed, 487 people were seriously wounded and 1,275 inhabitants — elderly people, children and women — were taken hostage and subjected to unbelievable humiliations and sufferings. A number of families were entirely annihilated. Even now there is no information about the fate of 150 people taken hostage, including 68 women and 26 children.

Civilians trying to break through the siege and escape were ambushed and ruthlessly killed by the Armenian militants on the roads and in the forests. The Armenian militants scalped persons they had killed, cut off their organs, put out the eyes of infants, ripped the abdomens of pregnant women and buried or burned people alive.

The nature and the scope of the bloody crimes committed in Khojaly and in the other Azerbaijani-populated settlements proves that these acts of genocide fully fall under the definition formulated in the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly in its resolution 260 (III) on 9 December 1948. These pre-designed massive and merciless acts of massacre were perpetrated with the intention of totally annihilating the people living in that territory due to their Azerbaijani origins. People trying to escape from the burned towns and villages were not given any mercy; children and women, in particular pregnant women, were brutally killed. Inhabitants of the other occupied towns and villages of Azerbaijan were able to escape the genocide only because they had left their settlements just a little before the attack of the Armenian military forces.

The Armenian aggressors destroyed the cultural-historical heritage of Azerbaijan in the occupied territories with special brutality. Committing acts of vandalism in the territories they had occupied, they plundered and burned nearly 500 historical and over 100 archaeological monuments, 22 museums and 4 art galleries and 9 palaces of historical importance, and desecrated 44 temples and 9 mosques. They destroyed and burned 927 libraries with 4.6 million books and unique manuscripts.

It is impossible to calculate and express in concrete figures the damage inflicted by the Armenian aggressors on the national cultural places of Azerbaijan in Nagorno-Karabakh and in the surrounding districts, because the plundered and destroyed treasures are a unique cultural legacy not only of Azerbaijan, but also of the world civilization.

Despite the fact that the major part of the territory of our country is under occupation and that one in eight persons is a refugee and internally displaced persons, living in tents in unbearable conditions, Azerbaijan is willing to eliminate peacefully the consequences of the aggression conducted by the Republic of Armenia. It has been over 11 years now that a ceasefire regime was established on the front line between Armenia and Azerbaijan.

As is known, with a view to settling the Armenia-Azerbaijan conflict over Nagorno-Karabakh, international efforts began with the establishment of the OSCE Minsk Group and the determination of the mandate for the future peace conference. Security Council resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993) regarding the occupation of the Azerbaijani territories unequivocally reaffirmed the sovereignty, territorial integrity and inviolability of the borders of the Republic of Azerbaijan and demanded the complete, immediate and unconditional withdrawal of the Armenian armed forces from the occupied territories of Azerbaijan. These resolutions constitute the integral part of the legal framework for the conflict settlement.

The mechanism of the conflict settlement was established in 1994 as the OSCE Minsk Group co-Chairs. At present, three permanent members of the Security Council — the United States of America, France and the Russian Federation — are the OSCE Minsk Group co-Chairs.

The adoption of the principles of conflict settlement — the territorial integrity of the Republic of Armenia and the Republic of Azerbaijan, the legal status of Nagorno-Karabakh defined in an agreement based on self-determination which will confer on Nagorno-Karabakh the highest degree of self-government within Azerbaijan and guaranteed security for Nagorno-Karabakh and its whole population, including mutual obligations to ensure compliance by all the parties with the provisions of the settlement — at the 1996 OSCE Lisbon summit by all the OSCE member States, except Armenia, was an important step forward to the just settlement of the Armenia-Azerbaijan conflict over Nagorno-Karabakh.

The OSCE Istanbul summit of 1999 demonstrated the desire of the European States to enter the third millennium in peace and security and their willingness to protect the territorial integrity and independence of countries and to protect human rights and extend democracy.

On 25 January 2005, during the winter session, the Parliamentary Assembly of the Council of Europe heard the report on the Armenia-Azerbaijan conflict over Nagorno-Karabakh and adopted a resolution reflecting its position regarding the conflict and a recommendation addressed to the Committee of Ministers of the Council of Europe concerning the measures that the organization should carry out towards the settlement of the conflict. These documents enshrine the facts of occupation of the territories of Azerbaijan by the armed forces of Armenia, the control of the Nagorno-Karabakh region by the separatist forces and the perpetration of ethnic cleansing in the occupied territories. On the other hand, they stated that the occupation of foreign territories by a member State of the Council of Europe was in grave violation of the commitments and obligations assumed by that State before the Council of Europe. Furthermore, it condemned the attempt of occupation by use of force, referred to the Security Council resolutions demanding the liberation of the occupied territories of Azerbaijan, underlined the necessity of withdrawal of the armed forces from all the occupied territories and reaffirmed the right of displaced persons to return to their homes in safety and with dignity.

In order to eliminate the damage inflicted by the aggression of Armenia against our country and develop its independent State, the Azerbaijani people needs peace. The settlement of the Armenia-Azerbaijan conflict on the basis of the Charter of the United Nations, OSCE principles and international law, the withdrawal of the occupying forces from our territories, the restoration of our State sovereignty

throughout the entire territory of Azerbaijan and the return of the refugees and internally displaced persons to their homes would make it possible to establish lasting peace between Armenia and Azerbaijan and to restore normal neighbourly relations between our peoples. This conflict, which has continued for more than 15 years, obviously hampers the democratic development process in the region and negatively affects not only Azerbaijan and Armenia, but also the entire South Caucasus region. The position of our country regarding the conflict settlement is just and is based upon the universally recognized norms and principles of international law.

Unfortunately, the implementation of the Security Council resolutions regarding the Armenia-Azerbaijan conflict and the relevant decisions of OSCE and other international organizations has not been ensured so far, and the activity of the OSCE Minsk Group has not justified the hopes placed in it. There is no need to explain that to what extent it is dangerous to keep the situation unchanged.

The unconstructive position of Armenia in the peace talks, its refusal to recognize the territorial integrity of Azerbaijan, its stationing of foreign military bases in its territory, its supplying its army with modern destructive weapons and its frequently breaking the ceasefire regime increase the danger of restoration of military operations.

During the years of peace talks mediated by international institutions, the behaviour and statements of the leadership of Armenia have led the peace process to a difficult situation. Recently, as a result of the monitoring conducted by the OSCE fact-finding mission in the occupied territories of Azerbaijan, it was found that more than 15,000 Armenians had been illegally settled in these territories.

At the same time, attempts are being made to legitimize the separatist-terrorist regime established in the occupied territories; from time to time "elections" are held to the "power bodies" of the puppet regime. The impudence of the aggressor has gone so far that it has established a post called "president of the Nagorno-Karabakh republic" and tries to legitimize it.

Illegal operations are being carried out in the Nagorno-Karabakh region and other occupied territories. Trafficking in arms and human beings, disposal of radioactive wastes, brutal plundering of natural resources and the training of terrorist groups and illegal armed groups financed by the revenues from the cultivation, processing, transportation and production of narcotics cause serious concern. The Nagorno-Karabakh region and seven surrounding districts now have become zones of operation for different international terrorist organizations.

It has been over 15 years since Azerbaijan became the target of Armenian terrorism. From the beginning of the aggression by Armenia against our country the Armenian terrorist organizations have committed 32 acts of terror against Azerbaijan. The victims of the terror have been civilians of the cities and villages, transport communications, communication means and public infrastructure. Numerous subversive acts were perpetrated on the roads and railways and in seaports, airports, metro stations, buses and other public transport vehicles. As a direct consequence of these acts, over 2,000 Azerbaijani citizens have been killed and tens of thousands of people injured. Azerbaijan and its people have suffered huge material and moral damage.

In order to justify their territorial claims to the neighbouring States, including the Republic of Azerbaijan, and to camouflage the policy of occupation, genocide and State terrorism, the Armenian nationalists, by using all means, try to make the international community accept their fabrications, as if in 1915 they had been subjected to genocide and were "offended, oppressed and humiliated people". Unfortunately, the Parliaments and Governments of several States that shut their eyes to real genocide, such as the tragedy of Khojaly, and in a number of cases international organizations affected by the influence of the deceitful Armenian propaganda, or basing themselves upon the current political circumstances, have made the myth about "Armenian genocide" into a topic of debate, and have even adopted baseless and unjust documents in this regard.

Researchers committed to the scientific truth, including Western scholars, proved a long time ago that there had never in history been any "Armenian genocide". The fabrication about the "Armenian genocide" is a product of morbid imagination and based on forged documents. Recently, Turkey provided access to the Ottoman archives, inviting researchers, including Armenian scholars, to come and get to know the historical documents dating back to the beginning of the twentieth century. However, the refusal by the Armenian scholars to take part in the scientific discussion reveal the true worth of those who disseminate the myth about "Armenian genocide".

In reality, since the end of the nineteenth century, using the covert and open protection of tsarist Russia and other States, the Armenian nationalists cherished an illusion of creating "greater Armenia" and perpetrated acts of genocide and terror at different times in eastern Anatolia and the South Caucasus, with the intention of cleansing the territories they wanted to occupy, brutally killing about 2 million innocent people. From 1905 to 1907 and from 1918 to 1920, in Iravan, Daralayaz and Zangazur (nowadays in the territory of the modern Republic of Armenia), Tiflis, Nakhchivan, Baku, Ganja, Karabakh, Shamakhy, Guba, Mughan, Lenkaran and other places of Azerbaijan, the civilian Azerbaijani people were subjected to genocide. During the genocide perpetrated in March 1918, over 30,000 civilians were killed in Baku, the capital city of Azerbaijan. Thus millions of innocent people fell victim to the brutality of the Armenian nationalists. At present, 31 March is marked in our country as a day of genocide of the Azerbaijanis.

After the establishment of Soviet power in Armenia and Azerbaijan, a big portion of the Azerbaijani territories was annexed to Armenia with the help of the Bolshevik regime. Hundreds of thousands of Azerbaijanis remaining in the territory of Armenia were granted no autonomy, whereas the Armenians in Azerbaijan enjoyed autonomy within the Nagorno-Karabakh Autonomous Region. And so the Armenian nationalists created a basis for the future territorial claims against Azerbaijan, which resulted in further tragedies that took place at the end of the twentieth century and still continue in the South Caucasus.

During the period of more than the last 100 years, a number of generations of the Armenian people have been brought up in a spirit of animosity and hatred against the Turkish and Azerbaijani peoples. The efforts of Armenian "scholars" have resulted in the falsification of the history of the region. The history of the Armenians has been artificially changed, exaggerated and presented as an ancient one; an intensive campaign of moral aggression has been conducted against the Azerbaijanis. Taking advantage of the conditions at the end of the 1980s, the

Armenian nationalists first completed the forcible deportation of hundreds of thousands of Azerbaijanis who were the primordial inhabitants of the territory of the Republic of Armenia, and then launched an open military aggression against Azerbaijan in order to carry out their territorial claims against our country. Thus, the policy of occupation and genocide, fuelled by the ideology of hatred, has led to the present situation.

Using the atmosphere of impunity and the support of the foreign forces that are not interested in the establishment and maintenance of peace and stability in the region, the leadership of the Republic of Armenia does not hide its real intentions at all. Beginning in 1989 the Parliament of Armenia adopted a number of unlawful acts on the "unification" of Armenia and Nagorno-Karabakh. The action plans of the Armenian Government include militaristic provisions regarding Nagorno-Karabakh, while the leaders of Armenia make irresponsible statements saying that Nagorno-Karabakh will never be a part of Azerbaijan.

One of the factors that hamper the settlement of the Nagorno-Karabakh problem is the predominance of a fear of coercion in Armenian society and the existence of an intolerant atmosphere for dissent and for views regarding the Armenia-Azerbaijan conflict that differ from the official ones. In 1999, on the eve of the OSCE Istanbul summit, an unforeseen and unbelievable event took place in the Parliament of Armenia, unprecedented in the history of the modern world, even in the countries with reactionary regimes: a number of armed persons entered the session hall of the Parliament and shot some high-ranking officials of the Parliament and the Government.

Expressing the sovereign will of the Azerbaijani people, the Milli Mejlis of the Republic of Azerbaijan declares once again that the Republic of Azerbaijan will never agree to the seizure of sovereignty in a part of its territory or the outrageous occupation and separation of its primordial lands, and will resort to all possible means in order to achieve the restoration of its territorial integrity.

Demanding the implementation of Security Council resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993) on complete, immediate and unconditional withdrawal from all the occupied territories of Azerbaijan, the Milli Mejlis of the Republic of Azerbaijan calls for the settlement of the Nagorno-Karabakh problem on the basis of the decisions and final documents of the OSCE Budapest, Lisbon and Istanbul summits and the recommendations and decisions of the Parliamentary Assembly of the Council of Europe.

Reaffirming the position of the Republic of Azerbaijan on the peaceful settlement of the Armenia-Azerbaijan conflict over Nagorno-Karabakh, the Milli Mejlis of the Republic of Azerbaijan demands that the co-Chairs of the OSCE Minsk Group exert an influence on the aggressor that has occupied its neighbour's lands and that it proceed, while elaborating the ways of peaceful settlement of the conflict, from the universally recognized norms and principles of international law, in particular the most fundamental ones — the territorial integrity and inviolability of borders of States.

The Parliament of Azerbaijan calls upon the Armenian side to take a constructive position in the peace process and to refrain from actions which stalemate the talks within the OSCE Minsk Group and complicate the restoration works to be carried out in the region after the settlement.

The international community should not remain indifferent to the violation of the sovereignty and territorial integrity of the Republic of Azerbaijan. It has to call the aggressor by its proper name and render assistance in the withdrawal of Armenia from the occupied Azerbaijani territories and the return of the refugees and internally displaced persons to their homes. Considering it necessary and demanding to discuss the issue of the Armenia-Azerbaijan conflict in the United Nations General Assembly, the Milli Mejlis of the Republic of Azerbaijan appeals to the Inter-Parliamentary Union, the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, the Parliamentary Assembly of the Black Sea Economic Cooperation Organization, the Inter-Parliamentary Assembly of the Commonwealth of Independent States, the Parliamentary Union of the Organization of the Islamic Conference, the European Parliament, the NATO Parliamentary Assembly and the other international organizations, Parliaments and Governments of the world to support the just cause of Azerbaijan and to contribute to the peaceful solution of the Nagorno-Karabakh conflict on the basis of universally recognized norms and principles of international law and to the restoration of the territorial integrity of our country.

Adopted at the session of the Milli Mejlis (Parliament) of the Republic of Azerbaijan on 6 May 2005.